

Draft Minutes
Delta Protection Commission Meeting
Thursday, January 24, 2002

1. Call to Order.

The meeting was called to order at 6:30 p.m. by Chairman Patrick N. McCarty. Commissioners present were: Bedford, Calone, Coglianese, Curry, Curtis, Ferguson, Macaulay, McCarty, Nottoli, Sanders, Shaffer, van Loben Sels, Wilson, and Senator Machado. Commissioners absent were: Brean, Cabaldon, Glover, McGowan, and Thomson.

2. Public Comment Period for Items not on the Agenda.

There were none.

3. Minutes of Last Meeting.

Chairman McCarty asked for additions, corrections or omissions; there were none.

On a motion by Commissioner Calone, and a second by Commission Wilson, the minutes were approved by a voice vote. Commissioners Coglianese and Curry abstained.

4. Chairman's Report.

Chairman McCarty announced the next DPC meeting is scheduled for March 28, 2002 at the Jean Harvie Community Center. He reported that Bob Gleason has resigned as the representative of San Joaquin County Council of Governments because he is returning to school to become a teacher.

5. Commissioner Comments/Announcements.

Commissioner Curtis stated that the Department of Fish & Game (DFG) is one of the few agencies that pays a fee in lieu of taxes. However, the Governor's proposed budget for FY 02-03 proposes that fees not be appropriated and that not be paid starting July 1st.

Commissioner Coglianese said that January 23, 2002 was an organizational meeting for the new CALFED Bay Delta Public Advisory Committee. She was appointed to be co-chair of the Levee Subcommittee.

Senator Machado said he is aware of the budget issue raised by Commissioner Curtis. He said California is going to be challenged to \$12 million gap. He said there is a Delta Oversight Committee in the Legislature concerned with CALFED and its direction. He noted there may be a ballot initiative to provide budget funding shortfalls. He expressed concern that agencies and stakeholders need to move beyond the bureaucratic gridlock to

fulfill the goals and objectives of CALFED--restoring the health of the Delta in order to be able to facilitate the State Water Project (SWP). He said the State is in a critical time as the specific project proposals are evaluated as to their impact on the Delta. He said the Legislature has been monitoring concerns about specific projects and looks forward to input from the Commission and local concerns.

6. Attorney General's Report.

Dan Siegel, Attorney General's Office, had nothing to report.

7. Executive Director's Report.

Ms. Aramburu stated that the Commissioners had received several staff reports--Pending Projects Memo, the Agriculture Conversion Memo, and the Legislation Report, and a Revised Staff Report for Agenda Item #12. She reported that since the last meeting in November, staff has attended many CALFED meetings. As a follow up to the last Commission meeting, she met with Dan Castleberry, the new CALFED ecosystem restoration program manager, to discuss Liberty Island and how to institute interim management of the site. She also attended an all day public forum on CALFED activities in the Delta. She met with Mike Eaton about the creation of the new nonprofit for management of Staten Island. In addition, Ms. Aramburu attended a public scoping meeting for the proposed new sewage pipeline proposed by the Sacramento Regional Treatment Facility intended to serve both the community of Natomas and the City of West Sacramento, and then come back under the Sacramento River near Freeport. Ms. Aramburu also met with John McCaull, American Farmland Trust, and the Department of Conservation staff regarding the grant application for Ag planning in the Delta. The Delta In-Channel Island group has submitted a new application to CALFED to fund a pilot project to restore habitat on Rhode Island that is owned by the DFG. The Delta Dredge Reuse Strategy Group had a meeting in January and two draft reports are being reviewed.

Commissioner van Loben Sels suggested that the Kuhn Ranch be included within the Stone Lakes National Wildlife Refuge in the Agriculture Conversion Memo; Ms. Aramburu said that site is owned by a nonprofit that is proposing to restore the site and transfer ownership to fish and Wildlife Service. She said staff would check on the status of the uses on that site.

Commissioner Curtis said the Yolo Basin Wetlands Habitat Restoration Wildlife Area (3,555 acres) includes lands that are currently in ag use and will remain in ag use for a long time; Ms Aramburu said staff would correct the acreage information.

Commissioner Shaffer suggested land be identified if it is commercially farmed, and is within a refuge boundary, or if agriculture is part of a refuge management strategy to provide forage for wildlife. Ms Aramburu noted there are variations in ownership and management in the newer refuges. For example, there are some lands with Ag easements within the Stone Lakes Refuge that will be managed in partnership with Refuge goals.

Chairman McCarty expressed concern that as more and more habitat is acquired or converted, we're hearing more terminology in an attempt to define or spin the use. We need a list of definitions with specific criteria attached to those definitions for land use; whether it's Ag or habitat, or wildlife friendly farming, or whatever it is so we all know when we see a proposal or a planned use, that it is clear what that use is.

Commissioner Shaffer asked for the Commission's help in collecting terms currently in use, and DFA will work on defining drafting definitions of those terms.

Commissioner Macaulay volunteered to connect Commissioner Shaffer with DWR's update of the Water Plan. He said "wildlife friendly agriculture" has a different economic benefit to the community.

Commissioner Shaffer said there are lots of nuances there. For example, there are instances where a farm manager has contracted with a wildlife agency to operate and manage that land, so they're getting a return for their service, but the crop is left on the ground.

Chairman McCarty suggested two issues to consider. First, said the Commission raised the issue of Liberty Island at the last meeting, that 'after the fact' this island is being allowed to basically revert to marsh. He said Liberty Island was a productive contributor to the Ag community in the Delta, even though it is flooded periodically, and that even with O&M monies attached to that grant, the levees are in disrepair. He said the Commission needs to take a look at this situation. Second, he said the boundary between the Primary and Secondary Zones are drawn as broad lines on a very large scale map. He noted that the law says the boundary is the middle of a waterway, however, because of historic modifications to the landscape, important resources, such as channel islands, appear to be in the Primary zone in some areas, and in the Secondary Zone in others. He said if the Commission is trying to preserve those resources, the boundary location could allow certain areas to be modified and the resources lost. He suggested there might need to be a mechanism to address those issues.

Commissioner Calone asked if there are plans for Liberty Island; Ms. Aramburu said the grant was given by CALFED to the US Fish and Wildlife Service for inclusion in the proposed North Delta National Wildlife Refuge. The Refuge Plan proposed opening the island to tidal action, but in order to permanently do that, there must be some analytical work done by the CORPS and the Rec. Board to ensure there's no diminishment of the flood flow holding capacity of the Yolo Bypass. Commissioner Calone said he understands that Liberty Island was originally served as a reservoir in the Yolo Bypass waiting to accept a large flood plane of water.

Commissioner Wilson said this acquisition and abandonment has taken something that was engineered to function a certain way and modified that flood plain capacity. He asked if the landowners are required to maintain levees in the Bypass.

Commissioner Coglianese said it is a concern to the City of Rio Vista, which is downstream of the Yolo Bypass. She asked for a further report on the flood impacts.

Commissioner Macaulay suggested Pete Rabbone, the general manager of the Reclamation Board.

Commissioner Shaffer said CALFED and the Science Program has released a report on development of shallow water habitat, and the scientific uncertainties and the factors that need to be considered. Ms. Aramburu said she would mail copies to the Commissioners.

8. Report from CALFED.

Chairman McCarty introduced Tony Frisbee of CALFED staff.

Mr. Frisbee said he would brief the Commission on a few items that occurred in the last couple months:

- The Delta Regional Outreach forum was held in mid-January, was very successful with over 100 people in attendance. The forum was a full day event which covering all the current projects within the Delta region where CALFED has a role, and showed the integration of how the programs and projects are working together.
- On January 16, the In-Delta Storage Program held a public meeting and announced that a draft feasibility report would be complete and available by mid-February on the Delta Wetlands Project. That will be out for the public comment 30-day period of review.
- The ecosystem restoration program received approximately 260 applications for funding this year and they are currently reviewing those applications and will have findings approximately March/April timeline.
- DFG and CALFED are working together on developing the Delta Ecosystem Restoration Plan. It is anticipated that a draft plan will be completed in April, will go before the Science Review Panel, and will be available for public review.

9. Briefing on Acquisitions in the Primary Zone of the Delta in 2001.

Ms. Aramburu reviewed the memo that tracks acquisition of land in the Primary Zone by public agencies and nonprofit groups as an indicator that there could, either shortly or in a longer term, be a change in land use. The memo starts with the acreage that was owned by public agencies and others when the Commission started meeting in 1993, and includes acquisitions since that time. In 2001, there were three acquisitions:

- Acquisition in the Yolo Bypass by the Wildlife Conservation Board this summer, which was 12,808 acres.
- Acquisition of Staten Island by the Nature Conservancy last year, with CALFED funds and covering 9,102 acres.
- Kuhn Ranch, which is within the boundaries of the Stone Lakes Refuge and has been purchased by the American Land Conservancy. She will provide the date of the acquisition at a later time.

She said she was unable to determine if there were any easements or acquisitions and requested if anyone knew, to please advise her so she can add to the report.

Commissioner Shaffer suggested that the table on page two should include the current acreage.

10. Consideration and Possible Adoption of Annual Report for 2001.

Chairman McCarty said the Commission would consider the possible adoption of the DPC annual report, which is required under our Delta Protection Act of 1992. This report is to be submitted to the Governor's and the Legislature every year.

Ms. Aramburu said the Commission is required to send a report to the Governor and the Legislature every year. The format is the same as proceeding years, and summarizes the goals of the overall program and then reports on activity over the year by both topic and by interest. At the back is a chart of the projects that were approved in the Delta Primary Zone in 2001. Quite a number of activities have taken place, all of them have been in general conformance with the Commissions program goals, and there have been no local government appeals.

Commissioner Ferguson referring to the acquisition report, suggested placing bullets in the cover letter regarding the actual land that has been removed out of Ag and either gone to development, conservation or recreation. Ms. Aramburu clarified that it would be a description summarizing changes in land use in the Primary Zone from the back to the front.

Commissioner van Loben Sels said that from 1993 through 2000, government and nonprofits ownership increased by 7%, but in the last year, they increased ownership by 4.5%, so it's escalating.

Chairman McCarty said this Annual Report has been historically an almanac of activities, just the facts, as opposed to spinning it one way or the other or expressing the Commissioners posture or philosophy on a particular subject or concern. He suggested adding language underscoring Commission concerns and perhaps as an outgrowth of that, a disclosure of what our interests are and what direction we would like to go in the future. Ms. Aramburu said she would work with the Chairman on those issues.

Ms. Aramburu said that when the Legislation was originally passed, there was grave concern about continuing encroachment of urban development into the Delta. There has been a change in direction in State funding programs and the CALFED program which have looked at a different type of conversion of land use. The Commission has tried to take a leadership roll in seeing how they can work together with other agencies to see how agriculture and wildlife habitat can work and subsist together, but we're still at the beginning of that process, rather than having that all worked out.

Chairman McCarty said the legislation is extremely clear that our job is to protect and enhance three components of the Delta: environment and wildlife habitat, agriculture, and recreation. He agreed that the original threat was encroachment of urbanization and development and the lines the Legislature drew in the sand have been very good in holding that off. He said there are new threats, or at least a change in the balance occurring in those three land uses.

Commissioner Shaffer suggested that the cover letter could be edited to highlight the new concerns that have emerged, and add enough detail to the annual report that would highlight those changes and the issues of concern.

Commissioner Macaulay agreed with Commissioner Shaffer's recommendation and also suggested that the Commission work on the concern of the economics of farming. Perhaps it would be useful or not to say that the Commissioner expects over the next year to look at a couple issues including the economics of different types of farming in the Delta.

11. Consideration and Direction to Staff Regarding Implementation of Strategic Plan.

Chairman McCarty said the Commission adopted its strategic plan about a year ago and this agenda item would refine the strategic plan.

Ms. Aramburu said since it's been just a little over one year since the Commission adopted its strategic plan, she wanted to give an update on implementing the strategic plan, show you some of the areas where we have been unable to move forward, but how we plan to do that, and some of them, we just haven't been able to answer yet. She asked for direction on areas for staff to incorporate activities or programs into next year's work plan. The Commission's working budget will remain the same. We will continue to have three full time staff people, but that's about all. We don't have much additional fund available for other consultant work like we've had in the past, but we would continue our basic level of staffing and support.

Commissioner Coglianese said that one of our goals of the original strategic plan was to make people more aware of our existence, the phrase "Remember the Delta" was used. One way we said we'd try to do that was by creating a newsletter. She suggested moving forward with the newsletter.

Commissioner van Loben Sels said the key word is "balance" in the implementation of the seven CALFED projects in the Delta. That would be balance within each calendar year. Some of us are concerned with preserving agriculture, levees, recreation, water quality transfer, all of those are key projects, but balance is the issue I'm wrestling with and from what we need and what I sense, we are out of balance in implementing those seven CALFED plans. One or two areas are charging forward taking the lion's share of the money. He expressed concern that the levees and Ag preservation aspects will be underfunded and will have to wait until later for implementation. He suggested every

project needs to be moved forward in balance with the other projects; not in dollars, but in percent completed. He asked for a report from CALFED on what percent completion are each one of the Delta projects at this point in time. Ms. Aramburu said staff would ask Dennis Majors to report on that issue.

Senator Machado asked the Commissioner to share with the information with the Legislature. In a recent hearing, a similar request stated as to what's going on because of the potential imbalance and the fact that the goals and objectives of CALFED with respect to the Delta are being sacrificed to expand the exports.

Commissioner Shaffer offered to work with CALFED staff and help to develop a presentation for the next meeting to address issues of balance, and some of the benefits to be derived from CALFED for the Delta.

Chairman McCarty said he goes back to the drum he's been beating since DPC developed the Resources Management Plan, and that is, DPC has a very broad brush idea of how we want the Delta used, some policies to facilitate those uses, some priorities that we would expect people to adhere to when they're considering something in the Delta. At some point, the Commission should have more definitive plans so that when someone needs water banking, wildlife habitat or a specific type of habitat, or a recreational project of some kind, we can point to specific options on a map, and say here are the best places to facilitate that give this vision for the Delta. It is not going to happen over night, and we have to take each piece of our Resource Management Plan and work towards that. However, I continue to think that from a strategic standpoint, that should be an end product goal for this Commission relative to the Delta.

Commissioner Coglianese asked if that was specific locations or characteristics of types of property that might meet these needs; Chairman McCarty said he didn't want to get into zoning, i.e., discussing specific parcels, however, it's the character of particular locations or adjacent land uses, potential uses, economic viability, and availability of resources that are unique and as a result, they lend themselves to specific types of uses. As a result, we can catalog that as a Commission and then have that available when people want to do projects or programs.

Commissioner Shaffer said that as part of that process, there could be guiding principals developed that guide that analysis. He said the American Farmland Trust project might really move that process along. CALFED is developing a regional plan, especially in the context of the ecosystem restoration program.

Chairman McCarty said its important to move forward, as the CALFED program is being implemented at a faster pace than the Commission could have anticipated. It is happening at faster and faster pace from forces that we never anticipated, clouding our future. Therefore, I don't think we can wait for that kind of plan, we already at a disadvantage.

Commissioner Wilson expressed concern that acquisitions are going forward with any plans for management and there is deterioration or abandonment of farmland. He said slowing that process would be positive.

Commissioner Shaffer said the Delta ERP Plan will be subject to scientific scrutiny and that collaborative effort with the CALFED Science Program, is a very positive approach.

Commissioner Macaulay commented that the Commission has taken some strong positions over the past year or two about what the Commission would not like to see in future acquisitions. For example, the acquisition by the Wildlife Conservation Board of the Bypass was a great acquisition, but it happened before any of us knew much about it because it was the way the WLCB had been doing business and they had been talking about it for some time, very quietly with the landowner. The Commission made some strong statements, both positive and negative, about the ecosystem blueprint. That's not the same as the Commission actually coming to a policy decision with due deliberations, that says we really do want to weigh in very strongly.

Commissioner Curtis stated that the work of the Commission has been fairly effective in some cases. He asked that the Commission not paint all government acquisition with Liberty and Prospect Island overtones. It appears that there have been some positive things done to at least in part due to actions of the Commission and the Yolo County Board of Supervisors. We may be underestimating our ability because DPC had an impact, at least in that case, and it seems to be proceeding.

Chairman McCarty said he thinks the Commission would like agencies just automatically refer acquisitions to the Commission for review if the acquisition is in the Delta. Commissioner Curtis said that the WCB became seriously sensitized and I believe any acquisitions in the Delta will go through a very different process. We committed at the Agency level to be more involved through the CALFED process and to move in that direction. Some of the efforts and strong stands of this Commission have helped us to be more sensitive.

Commissioner Shaffer said he wants to make sure there is clear distinction between being notified and reacting to an acquisition versus being directly involved in a planning process as early as possible, and having that process be a grass roots efforts, a collaborate effort with the CALFED agencies and the local people who are going to be effected and who are very knowledgeable. Bring a resource to that process, so that everybody does arrive at the same place at the same time and they know where they are.

Ms. Aramburu said she noted the comments and staff will follow-up with some additional reports from CALFED. Chairman McCarty said there has been direction to staff to perhaps reprioritize some of these items and focus more resources on them in the coming year and perhaps some new ones, and come back with a revised document. Ms. Aramburu said they will reflect those suggestions in the work plan that the Budget and Finance Committee will be seeing later on this spring and we'll come back to the Commission in May for adoption.

12. Consider and Possibly Adopt Revised Work Plan for Preparation of Delta Recreation Master Plan.

Chairman McCarty said the funds applied for were unavailable, therefore, the Commission does not have the resources to this study in the way envisioned.

Ms. Aramburu said we felt this important as we've been discussing to move forward in all areas of the Commission's policy program, and we wanted to move forward in the preparation of the Delta Recreation Master Plan despite the current budget problems facing the State of California. As the Commissioners were notified, the DWR did work with us and with CALFED and submitted a Budget Change Proposal request for funding for recreation planning that would have covered some other activities at DWR. The request was denied due to the current budget shortfalls.

DPC doesn't have any new money to allocate to this project, but does have a little money left over from the Dangermond contract when they were retained by the Commission to prepare the preliminary project description Request for Proposal to use to hire a consultant to do the work in developing a Delta Recreation Master Plan. The Budget and Finance Committee discussed some alternatives; instead of trying to develop the Plan, the Commission would continue to seek funds for development of a Delta Recreation Master Plan in its full scope, and in the mean time would work with CALFED and the other agencies on developing a process for anybody that is doing a recreation proposal in the Delta to use; to analyze their project in light of the Commission's program goals and blend in with the local government's general plan and zoning recommendations in the Delta areas, and provide a forum for review by using our Ad Hoc Recreation Group/Recreation Citizens Advisory Committee. If the Commissioners agree that would be an appropriate way to proceed, staff would like to discuss with the Ad Hoc Recreation Group. The Group would like to continue to serve as forum for discussion of recreation in the Delta and then report back to the Commission on those matters. The suggestion tonight is that we redirect our approach from trying to develop a smaller version of the plan and instead develop a process for review and coordination of recreation activities in the Delta and if you agree, we would recommend that the remaining unspent funds in the Dangermond Group contract be directed towards assisting us in helping develop this planning process. Approximately one half of the funds in the original contract are unexpended which is about \$10,000 of the original \$20,000.

Commissioner Ferguson said the Budget Committee met and reviewed staff's earlier recommendation but it became quite evident that this shortfall is not going to be resolved in the near future. It became clear that DPC can be more effective by trying to set process as to how these goals will be met. As we discussed earlier, the CALFED projects are moving forward at a rapid clip and we certainly want to see that the recreation goals are met and continued. The objective is with the recreation stay abreast of all these other projects. It was felt that by being involved with the local, State and federal agencies and getting that process moving forward, we could probably be more effective in accomplishing those goals and in keeping with our own land management policies.

Commissioner Curtis said there are some things that the DFG and the WCB are doing along those lines in the Delta, for example, the Sherman Island boat ramp, was just rebuilt it, put some barrier free restrooms in, paved parking lot, picnic area, etc. Commissioner Curtis said he would certainly provide the information on that project. It was several hundred thousand dollars.

Chairman McCarty replied that it is a component of our charge that we may have been remiss in addressing. Recreation is in a very critical point and its becoming more important, particularly to the viability of agriculture in the Delta in the future. We have an inventory of recreational opportunities in areas in the Delta that we need to maintain and update.

Ms. Aramburu said that the WCB will also be considering funding for upgrading the Clarksburg, Yolo County boating access, and the new City of Isleton waterfront public access. One of the tasks that staff would like to pursue as part of this bundle of activities is in addition to updating the existing recreation facility inventory that was prepared in 1997, staff would also like to prepare, maintain a memo of planned and approved, but not yet constructed recreation facilities. Staff would like to do to make sure the Commission is aware of the recreation projects, acquisition, as well as changes of land use and other projects.

Chairman McCarty said the process we're thinking about developing would provide the mechanism to get us aboard and get the project from what ever source, if it's going to happen in the Delta it would be identified early and there would be regular progress reports throughout and then would be added to inventory when it's completed. Its all part of that effort to try to get this in balance and maintain some kind of balance.

Commissioner Curry said the Sacramento project is actually a joint project with DFG, DBW, and Sacramento County. He said that each year until the Governor exposes the Budget, staff is unable to discuss proposed projects.

Commissioner Curtis said he agrees with all that Commissioner Curry said, but as the WCB considers these agenda items and those are indeed at that time public, he will contact staff so at the first possible opportunity the DPC is aware of the proposed projects.

Ms. Aramburu said the Commission has requested early information, not perhaps from the funding agencies, but from the project proponents, to be sure that what they're requesting funding for pursuing is consistent with General Plans and zoning goals of the local government, recreation goals that have been developed at the County levels as well as trying to look at unique resources in the Delta and if projects are taking advantage of those unique resources as are outlined in the Commission's policies regarding recreation in the plan. What DPC wants to do is reach out into the community to do more grassroots planning so that we are working with those who can disclose what they're proposing at the very start of the process, and have those people come in before it's the end of the project.

Commissioner Curtis said all DFG projects have a local sponsor that does the long term O&M. If local partners come to DFG with requests for funding with the support of this Commission, that might be a good thing. Perhaps that should be an approach that if DPC would for example, “if Sacramento County stated they would like to have a specific fishing access approved and there was a letter from the Commission that they supported the project and it is in line with our overall recreational plan,” that may be a positive thing to encourage planners to contact the appropriate agencies for early discussions.

Chairman McCarty asked if there were any public comments on this item. There were none.

On a motion by Commissioner Nottoli and a second by Commissioner Wilson, the Commission voted unanimously by a voice vote to approve the revised project description and authorize the redirection of that remaining Dangermond funding to complete this task.

14. Adjourn. The meeting was adjourned at 8:30 p.m.